

Petition for Rulemaking Public Hearing

Tennessee Department of Agriculture
Division of Regulatory Services

In Re: Proposed Rule amendments
Chapter 0080-06-24
Pest Plant Regulations
Filed February 23, 2007; effective June 28, 2007
March 2007 TAR
FS 02-26-07
DBID 2385

Come now the Petitioners, Tennessee Nursery and Landscape Association, Inc., pursuant to Tenn. Code Ann. §4-5-202, and request a hearing on the proposed rules of the Regulatory Services Division, Department of Agriculture submitted as follows:

The text of the proposed amendments is as follows:

Amendments

Chapter 0080-06-24 Pest Plant Regulations is amended by deleting the rule in its entirety and substituting the following language so that, as amended, the rule shall read:

0080-06-24-.01 Definitions. Pest plants: Plant species, and parts thereof that might be used for propagation, which are injurious to the agricultural, horticultural, silvicultural, or other interests of the state.

Authority: Tenn. Code Ann. §43-06-104.

0080-06-24-.02 Pest Plant List. The following plants are to be considered pest plants:

- (1) *Lythrum salicaria*, *Lythrum virgatum* and related cultivars, Purple Loosestrife
- (2) *Solanum viarum*, Tropical Soda Apple
- (3) *Ligustrum sinense*, Chinese privet
- (4) *Ligustrum vulgare*, Common privet, European Privet
- (5) *Iperata cylindrica*, Cogongrass
- (6) *Lonicera maackii*, Shrub honeysuckle, Amur honeysuckle
- (7) *Lonicera morrowii*, Morrows bush honeysuckle, Morrow's honeysuckle
- (8) *Lonicera x bella*, Bell's honeysuckle
- (9) *Albizia julibrissin*, Mimosa
- (10) *Rosa multiflora*, Multiflora rose
- (11) *Eleagnus umbellata*, Autumn olive
- (12) *Eleagnus pungens*, Thorny olive
- (13) *Salvinia molesta*, Giant Salvinia
- (14) *Commelina benghalensis*, Tropical Spiderwort

Authority: T.C.A. §§43-06-104 and 43-06-106.

1. The Petitioners, Tennessee Nursery and Landscape Association, Inc. (TNLA) meet the statutory criteria of associations that have standing to petition for a hearing on this matter.
2. TNLA is a Tennessee not-for-profit organization with members from all aspects of the green industry including wholesale nursery producers, retail garden centers, landscape contractors,

educators and other types that share a common interest in producing marketing and selling all types of plant materials.

3. The TNLA has in excess of twenty-five (25) members.
4. The proposed rule amendments were published in the Tennessee Administrative register on or about March 15, 2007.
5. According to the Web page of the Tennessee Department of State, The last day on which to file a Petition seeking a rulemaking hearing on this proposed rule amendment is April 14, 2007.

WHEREFORE, the Petitioner requests that the Department give notice of the proposed rule amendments and conduct a hearing prescribed in the Tennessee Administrative Procedures Act.

Respectfully Submitted,
Tennessee Nursery & Landscape Association, Inc.
115 Lyon Street
P.O. Box 57
McMinnville, TN 37111
Steve Bennett, 2007 President

This petition was filed April 13, 2007. (FS 04-12-07)